

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

PUBLIC SERVICES - Prohibition & Excise Department - Allegation of corruption against Sri M. Subash Chandra Bose, Assistant Prohibition & Excise Superintendent, Srikakulam - Trapped on 18.11.2003 - Charge sheeted - Placed under suspension and retired from service - Acquitted by the ACB Court, Visakhapatnam - Criminal appeal filed in the High Court of AP pending - Judgment of High Court dt: 31.1.2011 in W.P.No. 595 of 2011 - Complied with - Suspension period regularised - Orders - Issued  
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REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 234

Dated:22-02-2011.

Read the following:-

- Ref:-1. From the DG, ACB, Letter Rc. No. 260/RCT-VSK/2003-S.12, Dt: 12.3.2004.  
2. G.O.Ms.No.803, Rev. (Vigilance-V) Dept. Dt:13.10.2004.  
3. Procs Cr.No. 43/03/C.PE/SR.I, Dt:18.3.2005 of the Commr. P&E, Hyderabad.  
4. Judgment of Spl. Judge for ACB Cases, Visakhapatnam dt: 30.9.2009 in CC No. 1 of 2005.  
5. From the DG, ACB, Letter Rc.No. 260/RCT-VSK/2003, Dt: 2.1.2010.  
6. Govt. Memo No. 48330/Vig.V(2)/2003-21, Revenue (Vig.V) Dept. Dt:25.1.2010.  
7. APAT orders dt:11.8.2010 in O.A.No. 5294/2010 filed by Sri M. Subhash Chandra Bose, Asst. Proh. & Excise Supdt. (Retd.)  
8. Govt. Memo No.48330/Vig.V(2)/2003-29, Rev. (Vig.V) Dept. Dt: 22.12.2010.  
9. High Court of A.P judgment dt:595 of 2011 filed by the Government.

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O R D E R:

It has been brought to the notice of the Government by its official investigating agency that Sri Singuru Nageswara Rao, R/o. Kintali Village of Ponduru Mandal, Srikakulam Dist. made a complaint alleging that Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent, Srikakulam demanded bribe from him to instruct the Prohibition & Excise Inspector, Ponduru for showing official favour to issue "No Dues Certificate". After verifying the same, a case in Crime No.14/RC-ACB/VZM/2003 under relevant sections of Prevention of Corruption Act 1988 was registered and a trap was laid. Accordingly, on 18.11.2003, one, Sri E. Govinda Rao, a private person was caught when he accepted illegal gratification of Rs.20,000/- in the premises of Prohibition & Excise Station, Ponduru from the complainant on behalf of Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent, Srikakulam and 2 other Prohibition & Excise personnel of Prohibition & Excise Station, Ponduru. The investigating agency, after conducting investigation into the matter, furnished report and as per the

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recommendations made, among others, Government accorded sanction to prosecute the Accused Officer Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (AO-1) in a court of law vide reference 2<sup>nd</sup> read above. Accordingly, a charge sheet was filed in the Special Court for ACB Cases, Visakhapatnam on 7.12.2004. Consequent to filing charge sheet and as per rules, Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent, Narsapur, W.G. District and former Assistant Prohibition & Excise Superintendent, Srikakulam was placed under suspension vide reference 3<sup>rd</sup> read above. Later, Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (u/s) retired from service on superannuation on 31.12.2005, while continuing under suspension.

2. In the reference 4<sup>th</sup> read above, the Special Judge for ACB Cases, Visakhapatnam pronounced judgment on 30.9.2009 in CC No. 1 of 2005 finding that Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent and others are not guilty of the charges and acquitted them. After examination of the matter, keeping in view the opinion of the investigating agency, Government have accorded permission to file an appeal before the High Court of A.P against the judgment of Special Judge for ACB Cases, Visakhapatnam, vide reference 6<sup>th</sup> read above. Accordingly, a Criminal Appeal has been filed on 30.4.2010 and the same is pending before the High Court of A.P.

3. Consequent to his acquittal, by the ACB Court, Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) approached the A.P. Administrative Tribunal and filed OA No. 5294 of 2010. The A.P. Administrative Tribunal in their orders dt:11.8.2011, while disposing off the OA, have directed the authorities concerned to release all pensionary benefits including DCRG and treat the suspension period of the applicant from 20.3.2005 to 31.12.2005 as "on duty". The Hon'ble Tribunal has also directed to fix the pay of the individual by applying the Revised Pay Scales and release the same with arrears in respect of the applicant.

4. Government, after examination of the matter and keeping in view the pendency of Criminal Appeal in the High Court of A.P against the trial court judgment, have decided to contest the judgment of the Hon'ble A.P. Administrative Tribunal before the Hon'ble High Court by way of filing a writ appeal. Accordingly a W.P.No. 595 of 2010 was filed before the Hon'ble High Court of A.P against the orders of A.P. Administrative Tribunal dt:11.8.2010 in OA.No. 5294/2010

5. In the reference 9<sup>th</sup> read above, the High Court of A.P delivered judgment in W.P.No. 595 of 2010 and modified the orders of A.P. Administrative Tribunal and directed the petitioner (Government) to regularise the services of the first respondent viz,. Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) for the period of suspension w.e.f. 20.3.2005 to 31.12.2005 and pass appropriate orders within a period of four weeks from the date of delivery of their judgment.

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6. Government, after careful examination of the matter and also the above mentioned direction of the Hon'ble High Court, hereby decide to regularise the suspension period of Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) for the period with effect from 20.3.2005 to 31.12.2005 as "on duty" under FR 54.

7. Accordingly, Government hereby order to treat the period of suspension with effect from 20.3.2005 to 31.12.2005 in respect of Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) as "on duty".

8. The Commissioner of Prohibition and Excise, Hyderabad shall take further necessary action in the matter accordingly for release of his pay and allowances for the said period after deducting the subsistence allowance already paid.

9. Since judicial proceedings (criminal appeal) are pending in the High Court against Sri M. Subhash Chandra Bose, under Rule 52 of A.P. Revised Pension Rules, 1980 he will be entitled to only provisional pension from the date of his retirement till the final decision in the criminal appeal. Also no gratuity shall be paid to him till the conclusion of such judicial proceedings.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Subhash Chandra Bose,  
Assistant Prohibition & Excise Superintendent (Retd.)  
Door No. 50 - 121 - 60/1, Balaji Hills, Visakhapatnam- 530 013  
through the Commissioner Prohibition Excise, A.P, Hyderabad.  
The Commissioner Prohibition Excise, A.P, Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.  
The Secretary to Vigilance Commission,  
Andhra Pradesh Vigilance Commission, Hyderabad.  
The Govt. Pleader for Ser.II, High Court of A.P, Hyderabad.  
The Deputy Registrar, High Court of A.P, Hyderabad.  
(w.r.t orders dt:31.1.2011 in W.P.No. 595 of 2010)  
The Revenue (Excise I) Department.  
PS to Principal Secretary to Government, Revenue Department.  
SF/SC

// Forwarded :: By Order //

SECTION OFFICER.